

1 BILL NO. Z-84-08-11

2 ZONING MAP ORDINANCE NO. Z-1234

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. N-3.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-3-B (General Business) District under the terms of Chapter 33
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 North 25 feet of Lot 141 & the South 25 feet of
11 Lot 141, the North 25 of Lot 142 all in Lasalle's
12 Addition, City of Fort Wayne, Allen County, Indiana

13 and the symbols of the City of Fort Wayne Zoning Map No. N-3, as established
14 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
15 are hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force and effect
17 from and after its passage and approval by the Mayor.

18 Janet G. Bradbury
19 COUNCILMEMBER

20 APPROVED AS TO FORM AND LEGALITY:

21 Bruce O. Boxberger
22 BRUCE O. BOXBERGER, CITY ATTORNEY
23
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29
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31
32

DATE:

SANDRA E. KENNEDY, CITY CLERK

PASSED (LOST) by the following vote:

DATE:

SANDRA E. KENNEDY, CITY CLERK

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

SANDRA E. KENNEDY, CITY CLERK

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

#85

I/~~We~~ Prince Chapman
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B-3 B District the property described as follows:

North 25 feet of lot 141, Lasalles Addition, City of Fort Wayne, Allen County, Indiana. Warranty Deed No. 77-12289

South 25 feet of lot 141, Lasalles Addition, City of Fort Wayne, Allen County, Indiana. Record 38, Pages 486-487. Corporate Deed No. 81-016529

North 25 feet of lot 142, Lasalles Addition, City of Fort Wayne, Allen County, Indiana. Warranty Deed No. 82-012725

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/~~We~~, the undersigned, certify that I am/~~We are~~ the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Prince Chapman</u>	<u>926 E. Hawthorne St</u>	<u><i>Prince Chapman</i></u>
	<u>Fort Wayne, In 46806</u>	
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Prince Chapman</u>	<u>926 E Hawthorne St.</u>	<u>745-0965</u>
(Name)	<u>Fort Wayne, Indiana 46806</u>	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-08-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 20, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use of value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

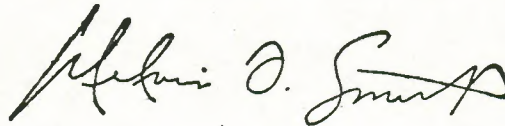
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1984.

Certified and signed this
30th day of August 1984.



Melvin O. Smith
Secretary

*hold for
9/25/84*

BILL NO. Z-84-08-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. N-3

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do Not PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury
Samuel J. Talarico
Charles B. Redd
Mark E. Giaquinta

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10733

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

DOLLARS

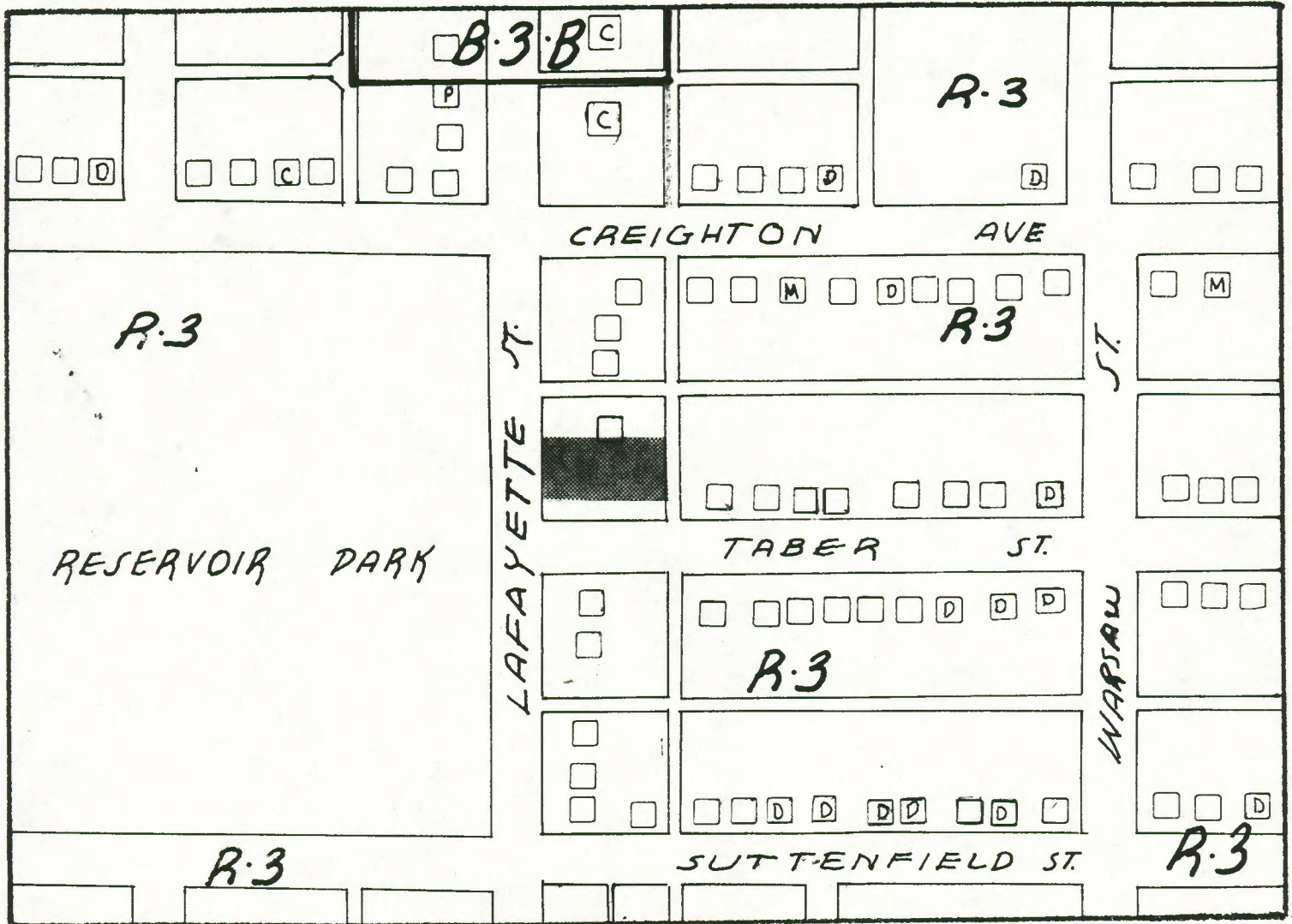
AUTHORIZED SIGNATURE

ZONING PETITION - 85

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-3 TO A B-3-B DISTRICT.

MAP NO. N-3

COUNCILMANIC DISTRICT NO. 1



Zoning:

R-3 RESIDENTIAL DISTRICT
B-3-B BUSINESS DISTRICT

Land Use:

- ☐ SINGLE FAMILY
- ☐ DUPLEX
- ☐ MULTIPLE FAMILY
- ☐ COMMERCIAL

Z-84-08-11

Scale: 1" = 200'

Date: 7-16-84



Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

None

REASON

DETAILS

Specific Location and/or Address

Northeast corner of Lafayette & Taber.

Reason for Project

Construct a garage for auto repair.

Discussion (Including relationship to other Council actions)

Prince Chapman, petitioner stated that he intended to construct an auto repair garage on this property if it were rezoned. He stated that there are several businesses up and down Lafayette in this area. He stated that the property faces the rear of the park and there is nothing on this side of the park but overgrown brush and trees. He stated that the access to the property would be from Taber and not Lafayette. He stated that he would install a buffer if required, but the closest house to this property was on Taber.

Ben Eisbart made a part of the record a letter from the LaRez Neighborhood Assn., stating that 77% of approximately 15 people present at a meeting were in favor of the rezoning. He also made a part of the record a remonstrance with some 50 households signing.

Daniel Black, 303 E. Creighton, appeared in opposition. He stated that they want to keep this neighborhood residential and even intend to try and downzone the neighborhood from R-3 to R-2. He stated that this rezoning would be out of character with the area.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Prince Chapman

City Department

Other

Opponents

Groups or Individuals
Daniel Black, LaRez Assn.
Art Amt, Richard Brames,
Jacky Koenig
Basis of Opposition

- not compatible; detriment
to area; dangerous to
children in area

Staff
Recommendation☐ For☒ Against

Reason Against

- incompatible with area;
- negative effect on area;
- set a precedent for similar

Board or
Commission
RecommendationBy ^{uses.}☐ For☒ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Richard Brames, 2824 Dodge, appeared in opposition. He stated that there were already areas zoned for business along Lafayette that would accommodate this type of business and that this rezoning was unnecessary.

Art Amt, 2519 S. Lafayette appeared in opposition. Mr. Amt stated he has lived in the area for 25 years and it is now starting to revitalize into a residential area. He stated that this would be a setback to the residential area.

Jacky Koenig, 217 E. Creighton appeared in opposition. She stated that she was fearful for the children in the area with cars sitting around waiting to be repaired. She felt they would be attractive to play in and someone could be hurt.

Mr. Chapman stated that he would fence the property not only to protect the area children, but also to prevent vandalism.

No other opposition.

August 27, 1984 - Business Meeting

The Site Committee recommended Denial of the request stated that it was incompatible with the land use, would have a negative effect on existing neighborhood park and constituted spot zoning.

Motion to deny carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date July 5, 1984

Projected Completion or Occupancy

Date August 27, 1984

Fact Sheet Prepared by

Date August 30, 1984

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-8408-11

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lot 141 & the north 25 feet of Lot 142 in LaSalle's Addition.

EFFECT OF PASSAGE Property is now zoned R-3 - Multiple Family Residential.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multiple Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____